

INFORMATION SHEET

303(d) LIST & EXISTING and READILY AVAILABLE WATER QUALITY DATA and INFORMATION

What is the 303(d) List?

Section 303(d) of the federal Clean Water Act (CWA) requires Pennsylvania to identify all waters within the Commonwealth for which effluent limitations required by the CWA are not stringent enough to implement any water quality standard applicable to such waters. The 303(d) List includes those water quality limited segments that still require the development of total maximum daily loads (TMDLs) to assure future compliance with water quality standards. Water quality limited segments are defined as waterbodies that do not meet water quality standards even after the application of technology-based treatment requirements to point and nonpoint sources of pollution. Water quality standards are defined as the combination of designated water uses to be protected and the water quality criteria necessary to protect those uses. Water quality standards for all Pennsylvania surface waters can be found in Chapter 93 - Water Quality Standards and Chapter 16 - Water Quality Toxics Management Strategy (PA Code - Title 25. Environmental Protection). The Pennsylvania Department of Environmental Protection (DEP) must submit the 303(d) List to the Environmental Protection Agency (EPA) by October 1st of 2004. The most current version of the 303(d) list can be accessed electronically at <http://www.dep.state.pa.us/dep/deputate/watermgmt/WC/subjects/wqstandards.htm>.

How is the determination made to place a waterbody on the 303(d) List?

In determining which waters to place on the 303(d) List, DEP is required by federal regulation (40 CFR 130.7(b)(5)) to assemble and evaluate all existing and readily available water quality related data and information. At a minimum, all existing and readily available water quality related data and information includes the following categories of waters:

1. Waters identified by the State in its most recent section 305(b) report as partially supporting or not supporting designated uses, or as threatened;
2. Waters for which dilution calculations or predictive models indicate non-attainment of applicable water quality standards;
3. Waters for which water quality problems have been reported by local, state, or federal agencies; members of the public; or academic institutions.

4. Waters identified by the State as impaired or threatened in a nonpoint assessment submitted to EPA under section 319 of the CWA.

The determination of how much data and information is adequate to include a waterbody on the 303(d) List is a deliberative process involving best professional judgment by DEP staff. The EPA guidance identifies a number of screening categories that DEP should use to identify water quality limited waters. Those that may apply to existing and readily available water quality data and information submitted by outside sources include:

1. **Evidence of numeric criterion violations.** Example: Ambient monitoring data demonstrates chronic exceedence of the Chapter 93 temperature criteria.
2. **Beneficial use impaired.** Listing a waterbody due to use impairment requires information that shows the use is not being supported and that this failure is due to degraded water quality. Examples: A waterbody designated for water contact sports has been closed to swimming by local or state authorities due to human health concerns. A waterbody designated as a cold water fishery has exhibited a documented decline in biomass due to excessive sediment deposits that have inhibited or precluded spawning.
3. **Evidence of a narrative criterion violation.** Example: Assessment demonstrates that a discharge is releasing substances that produce color, order, or turbidity in amounts harmful to a designated water use.
4. **Technical analysis.** Example: Predicative modeling results show that criteria will be violated at design flow or Rapid Bioassessment Protocol results indicate beneficial uses will not be maintained.

Is DEP required to use all data and information submitted by outside sources in determining if a waterbody should be included on the 303(d) List?

In order to be used in the 303(d) listing process, data and/or information submitted to DEP should include the following:

1. Name and location of waterbody.
2. Name of investigator(s) and/or phone number of a contact person.
3. Identification of the applicable water quality standard violation.
4. Data and documentation which substantiates the conclusion of impairment.
5. Delineation of the water quality limited segment on the appropriate USGS topographic quadrangles.
6. Identification of all sampling locations on the appropriate USGS topographic quadrangles.

7. Identification of the source(s) of documented impairment (e.g., industrial point source discharge, construction, habitat modification, nonpoint source, etc.).
8. Identification of the cause(s) of documented impairment (e.g., metals, siltation, flow alterations, etc.).

DEP is interested in evaluating all available information in the 303(d) listing process, however some types and sources of information will not be adequate. At a minimum, data submitted to DEP will be reviewed to determine the following:

1. Presence of a quality assurance/quality control plan
2. Adherence to accepted methods in the operation of field instruments
3. Use of standardized protocols for chemical/biological monitoring
4. Some indication that all other testing methods comply with accepted practices.

DEP is required to review all data submitted. However, data deemed inadequate based on insufficient data quantity/quality will not be used in the compiling of the 303(d) List. An explanation will be provided in the 303(d) List documentation submitted to EPA for any data reviewed but not included on the list.

When can outside sources submit data and information to DEP for consideration in the 303(d) listing process?

The 303(d) listing process is an ongoing effort and outside sources are encouraged to submit data and information at any time. However, in order to allow for the federally mandated submission of the 303(d) List to EPA by April 1st in a year that the list is due for submission to EPA, the Department must impose a data submission deadline. Information and data submitted to DEP by the last business day in July of the preceding calendar year (July 31, 2003) will be considered for inclusion in any give 303(d) List. Information and data received after the established deadline will be considered during the next 303(d) listing cycle.

Where should I submit data and information for consideration in the 303(d) listing process?

Anyone wishing to submit data and information for consideration in the 303(d) listing process may send it to the following address:

Division of Water Quality Assessment and Standards
Bureau of Water Supply and Wastewater Management
P.O. Box 8467
Harrisburg, PA 17105-8467

Data from volunteer monitoring groups can be submitted to:

Bureau of Watershed Management
Citizens' Volunteer Monitoring Program
P.O. Box 8555
Harrisburg, PA 17105-8555

Who can I contact with questions regarding the 303(d) listing process?

Anyone with questions regarding the 303(d) listing process is encouraged to call the following individual at (717) 787-9637:

Rod Kime, Water Pollution Biologist
Division of Water Quality Assessment and Standards
rkime@state.pa.us

Questions regarding volunteer monitoring can be directed to:

Cheryl Snyder, Citizens' Volunteer Monitoring Coordinator
717-772-5807
chesnyder@state.pa.us